

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a utility easement.

WHEREAS, a petition to vacate a dedicated utility easement within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-4-12; and

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a dedicated utility easement within the City of Fort Wayne, more specifically described as follows, to-wit:

A fourteen (14) foot utility easement located at the north seven (7) feet of Lot 3 and the south seven (7) feet of Lot 2 of Summit Industrial Park, except for the twenty (20) most western feet of Lot 2 and the twenty (20) most western feet of Lot 3,

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

Janet G. Bradbury

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

J.T. McCaulay

J. TIMOTHY MCCAULAY, CITY ATTORNEY

** Public hearing to be held on Tuesday,
the 27th day of March, 1990,
in the Council Chambers.

Sandra E. Kennedy

Sandra E. Kennedy, City Clerk

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SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage, any and all necessary
approval by the Mayor.


COUNCILMEMBER

#418

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

** Public hearing to be held on _____,
the _____ day of _____, 1990,
in the Council Chambers.

Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 2-27-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>			<u>1</u>
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GIAQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>				<u>✓</u>
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 3-27-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) ~~(APPROPRIATION)~~ (GENERAL) (SPECIAL) ~~(ZONING MAP)~~ ORDINANCE RESOLUTION NO. 507-90 on the 27th day of March, 1990

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of March, 1990, at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of March, 1990, at the hour of 3:45 o'clock PM M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

Date Filed: February 9, 1990

Vacation Petition

I/We Fort Wayne Redevelopment Commission
(Applicant's Name or Names)

PETITION TO VACATE A fourteen foot utility easement
(Street, Alley, Utility Easement, Plat,
Other)

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully
petition the Fort Wayne City Plan Commission to vacate the
following fourteen foot utility easement with the City of Fort
Wayne, Indiana, and hereby described as follows:

A fourteen (14) foot utility easement located at the north seven feet of
Lot 3 and the south seven feet of Lot 2 of Summit Industrial Park.

(Legal Description of property being vacated) If additional
space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as
follows:

(List reasons for requesting vacation.)

The Fort Wayne Redevelopment Commission owns Lot 2 and 3 of Summit Industrial
Park. The Commission has an offer to purchase Lots 1,2,3,4 and 6 of said
park subject to this easement being vacated.

(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority
granted in Indiana Code, and provisions of local ordinance, in
order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described
utility easement be vacated according to the provisions
of the Indiana Law pertaining thereto.

DATED THIS 9th DAY OF February 19 90

Fort Wayne Redevelopment Commission
Adjacent Property Owner
Typed Name

1 Main St. Rm. 840 City County Bldg.

Address 46802 Zip

Signature


Adjacent Property Owner
Typed Name

Address Zip

Signature

Legal Description of Property:

Additional Reasons for Vacation Request:

Owners of Adjacent Property:

_____	_____	_____
_____	_____	_____
_____	_____	_____

Adjacent	Property	Address/Zip	Signature
Owners TYPED Name			

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT:

Ronald Fletcher
Name

1 Main Street - Room 840 City-County Bldg.
Street Address

Fort Wayne, IN 46802

City/State/Zip

(219) 427-1127

Phone

S JR., MAYOR

COOK

ROAD

#1 R=40.00 62.78
Δ=89°55'20"
66.53 B=S45°02'20"E

C=56.53 B=S45°02'20"E

N90°00'00"E 945.03

555.03

4874 AC

3112

MATRIX

WAY

BOULEVARD

3117

4
3.255 AC

5
5 823 AC

722

2021

711A

16

COMMON
2551 AC

Date Filed: February 9, 1990

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(Applicant's Name or Names)

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Lot 3 and the south seven feet of Lot 2 of Summit Industrial Park, except
for the twenty (20) most western feet of Lot 2 and the twenty (20) most western
feet of Lot 3.

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Park. The Commission has an offer to purchase Lots 1,2,3,4 and 6 of said
park subject to this easement being vacated.

(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance, in order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described utility easement be vacated according to the provisions of the Indiana Law pertaining thereto.

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Typed Name
1 Main St. Rm. 840 City-County Bldg.
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Signature

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Typed Name

Address Zip

Signature

Legal Description of Property:

Additional Reasons for Vacation Request:

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_____	_____	_____
_____	_____	_____

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AGENT:


Name

1 Main st. - Rm. 840 City-County Bldg.

Street Address

Fort Wayne, IN 46802

City/State/Zip

(219) 427-1127

Phone

#418

WHEREAS, the FORT WAYNE REDEVELOPMENT COMMISSION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following utility easement situated in Fort Wayne, Allen County, to-wit:

A 14 foot utility easement located at the north 7 feet of Lot #3 and the south 7 feet of Lot #2 of Summit Industrial Park, except for the 20 most western feet of Lot 2 and the 20 most western feet of Lot 3,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on February 26, 1990 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said utility easement.

WHEREAS, said vacation of the utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said utility easement in Allen County, Indiana.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held March 5, 1990, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 6 DAY OF March 1990

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary

#418:

Douglas M. Lehman
Director of Administration & Finance

#418

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Utility Easement Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Managment - C&ED

SYNOPSIS OF ORDINANCE A fourteen (14) foot utility easement located at the
North seven (7) feet of Lot 3 and the south seven (7) feet of Lot 2 of
Summit Industrial Park.

G-90-02-25
as amended

EFFECT OF PASSAGE Property is presently a dedicated utility easement.
Property will be vacated and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain a dedicated utility easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

Division of Community Development & Planning

BRIEF TITLE

Utility Easement Vacation

APPROVAL DEADLINE
REASON
DETAILS
Specific Location and/or Address

Summit Industrial Park

Reason for Project

Future sale of lots.

Discussion (Including relationship to other Council actions)
26 February 1990 - Public Hearing

Ron Fletcher, Director of the Fort Wayne Redevelopment Commission appeared before the Commission. Mr. Fletcher stated that the Redevelopment Commission owns in Summit Industrial Park Lots 1, 2, 3, 4 & 6. He stated that they are requesting the vacation of the easements and right-of-way to allow the Commission to sell the parcels as one parcel for one development.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

5 March 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven members present six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

POSITIONS
RECOMMENDATIONS
Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**

Applicant(s)
Fort Wayne Redevelopment
Commission
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**
☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**
☐ Pass ☐ Other

☐ Pass (as
amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 12 February 1990

Projected Completion or Occupancy

Date 6 March 1990

Fact Sheet Prepared by
Patricia Biancaniello

Date 6 March 1990

Reviewed by

Date 3/8/90

Reference or Case Number

BILL NO. G-90-02-25 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating a
utility easement

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)X

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Janet G. Bradbury

C. R. Edmonds

D. Schmidt

Samuel J. Talarico

DATED: *2-27-90.*

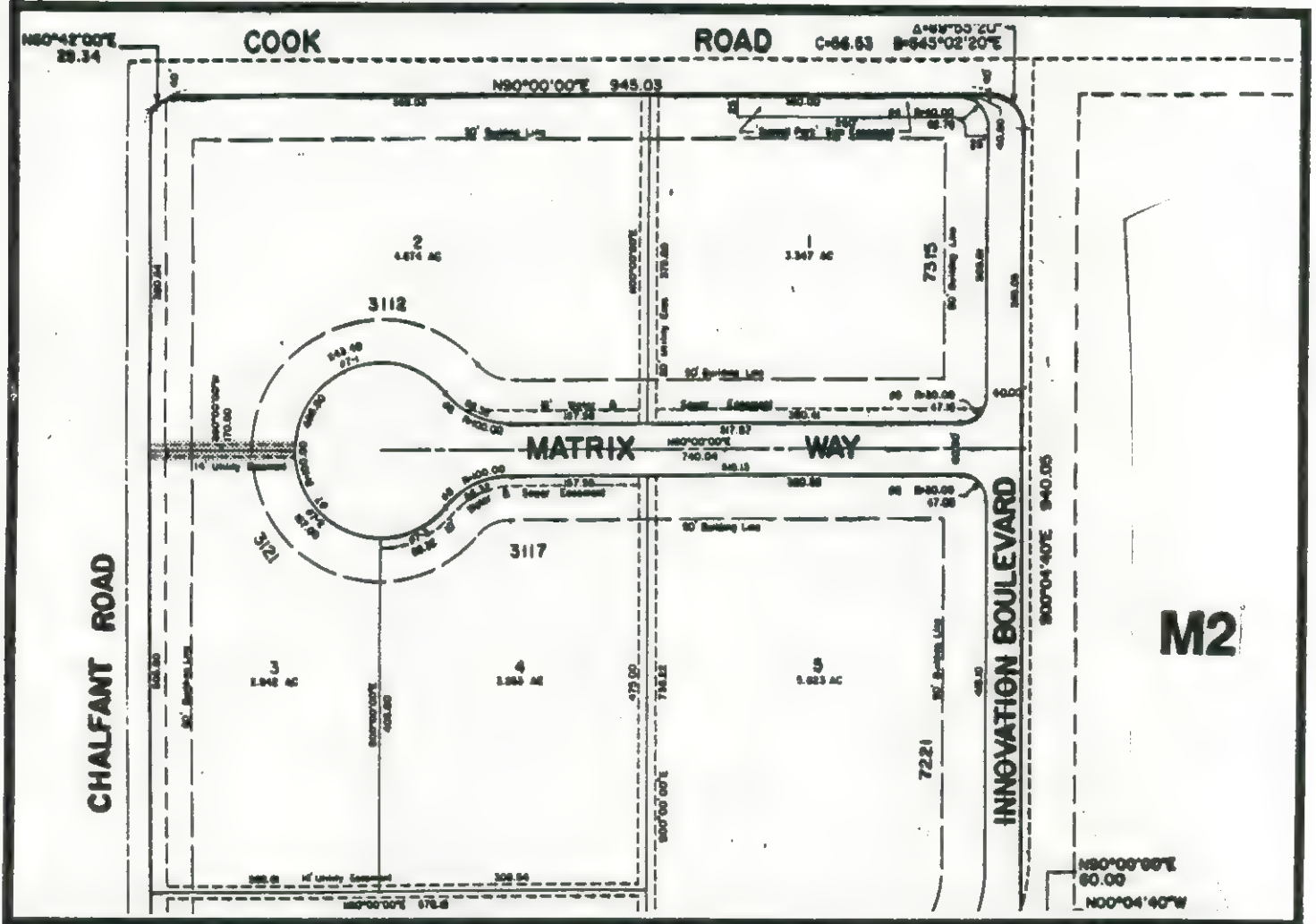
Sandra E. Kennedy
City Clerk

VACATION PETITION #418

A PETITION TO VACATE THE DESCRIBED FOURTEEN FOOT UTILITY EASEMENT.

MAP NO. I-42

COUNCILMANIC DISTRICT NO. 3



ZONING:

M2 LIGHT INDUSTRY

LAND USE:



COMMERCIAL

SCALE: NTS

DATE: 2-6-90





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

March 14, 1990

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of March 17, 1990, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-90-02-22
Right of Way Vacation

Bill No. G-90-02-23 (as amended)
Water and Sewer Easement

Bill No. G-90-02-24)
Water and Sewer Easement

Bill No. G-90-02-25 (as amended)
Utility Easement

Bill No. G-90-02-26 (as amended)
Utility Easement

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 5

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-90-02-25)
(AS AMENDED)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, March 27, 1990, at 7:00 P.M., in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Summit Industrial Park - Future sale of lots
Utility easement - Councilmanic District #3

A fourteen (14) foot utility easement located at the north seven (7) feet of Lot 3 and the south seven (7) feet of Lot 2 of Summit Industrial Park, except for the twenty (20) most western feet of Lot 2 and the twenty (20) most western feet of Lot 3

All interested persons are invited to appear and be heard.

Fort Wayne Common Council

A handwritten signature in cursive script, appearing to read "Sandra E. Kennedy".

Sandra E. Kennedy
City Clerk

Fort Wayne Common Council

(Governmental Unit)

Allen

County, Indiana

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

4

15

4

23

COMPUTATION OF CHARGES

23 lines, 1 columns wide equals 23 equivalent lines
at .33 cents per line

\$ 7.59

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

1.00

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

8.59

TOTAL AMOUNT OF CLAIM

\$

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: March 17, 19 90

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time(s), the dates of publication being as follows:

3/17/90

Subscribed and sworn to before me this 17th day of March, 19 90

Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1994

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-90-02-25)

AS AMENDED)
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Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

Fort Wayne Common Council
(Governmental Unit)

To:

The Journal-Gazette

Dr.

Allen County, Indiana

P.O. Box 100
Fort Wayne, IN

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-- number of equivalent lines

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4

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15

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State of Indiana)

) ss:

Allen County)

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3/17/90Subscribed and sworn to before me this 17th day of March, 19 90

Notary Public Whitley County, IN

SHELLEY R. LARUE

My commission expires: March 3, 1994NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-90-02-25)

AMENDED)
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Fort Wayne Common Council
Sandra E. Kennedy
City Clerk